

SCS SB 36 -- JUVENILE OFFENDERS

SPONSOR: Wallingford (Hicks)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 12 to 0.

This substitute establishes Jonathan's Law, which requires a child to be convicted in a court of general jurisdiction in order for the jurisdiction of the juvenile court over that child to forever terminate for an act that would be a violation of a state law or municipal ordinance.

Currently, if a child is less than 17 years of age and has been convicted in a court of general jurisdiction, the court is allowed to invoke dual jurisdiction of both the criminal and juvenile codes. The substitute raises the age to 17 years and six months of age and requires the court to consider dual jurisdiction.

If the Division of Youth Services within the Department of Social Services agrees to accept a youth and the court does not impose a juvenile disposition, the court must make findings on the record as to why the division was not appropriate for an offender prior to imposing an adult criminal sentence.

PROPOSERS: Supporters say that the bill makes the dual jurisdiction available to more youths by extending the age to 17 years and six months of age and requires the court to make findings on the record in cases where the court declines to exercise juvenile jurisdiction. The criminal and juvenile review committees of the Missouri Bar Association uniformly supported the changes the bill makes to the dual jurisdiction program.

Testifying for the bill were Senator Wallingford; Tracy McClard; American Civil Liberties Union of Eastern Missouri; Missouri Division of Youth Services; Missouri Catholic Conference; Partnership for Children; Vivian Murphy; and Missouri Bar Association.

OPPOSERS: There was no opposition voiced to the committee.